

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 08-CR-291

MARCUS A BOYD,

Defendant.

ORDER

Defendant Marcus Boyd is charged with Assault Resulting in Serious Bodily Injury and Robbery within Indian Country in violation of 18 U.S.C. §§ 113(a)(6), 2111 and 1153. The case was originally scheduled for trial on February 2, 2009, within the speedy trial deadline. On November 21, 2009, Boyd's attorney filed a motion to withdraw on the ground that a conflict of interest had arisen. The motion was granted and Attorney John A. Birdsall was appointed to represent the defendant.

Because of the need for Attorney Birdsall to prepare for trial and his unavailability on the scheduled trial date, it is necessary to schedule this matter outside of the original speedy trial deadline. The time necessary to reschedule the case is hereby excluded pursuant to 18 U.S.C. § 3161(h)(8). The Court specifically finds that the period of delay resulting from a continuance is necessary so that the defendant has the effective assistance of counsel. As a result, the ends of

justice served by granting a continuance outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, such time is excluded.

SO ORDERED this 30th day of January, 2009.

s/ William C. Griesbach

William C. Griesbach

United States District Judge